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FEB 06 2006

TO: Mail Stop Amendment
Commissioner of Patents
United States Patent and Trademark Office

Fax No. 571-273-8300

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on February 6, 2006, to the above-identified facsimile number.

Cheryl L. Martin (Signature)

FROM: Cheryl L. Martin
Fax No. (513) 634-3499 Phone No. (513) 634-1119

Listed below are the item(s) being submitted with this Certificate of Transmission:**

- 1) Amendment/Response Transmittal
 - 2) Response to Restriction Requirement
- (2 pages)

Number of Pages Including this Page: 4

Inventor(s): Busam et al.
S.N.: 10/674,670
Confirmation No.: 5014
Filed: September 30, 2003
Case: CM2701Q

Comments:

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

AMENDMENT/RESPONSE TRANSMITTAL

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FEB 06 2006

Application No. : 10/674,670
 Inventor(s) : Ludwig Busam, et al.
 Filed : September 30, 2003
 Art Unit : 3761
 Examiner : Keshia L. Gibson
 Docket No. : CM2701Q
 Confirmation No. : 5014
 Customer No. : 27752
 Title : Absorbent Articles Comprising Hydrophilic Nonwoven
 : Fabrics

Transmitted here with is an AMENDMENT for the patent application.

1. ☒ No additional fees (claims fees or extension fees) are known to be required.
 2. ☐ The fee has been calculated as shown below:

	(Col. 1)		(Col. 2)	(Col. 3)	OTHER THAN A SMALL ENTITY	
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA*	RATE	FEE
TOTAL	*	MINUS	**	=	x \$ 50 =	\$
INDEP.	*	MINUS	***	=	x \$200 =	\$
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM					+ \$360 =	\$
					TOTAL	\$

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

** If the highest number of total claims previously paid for is less than 20, write "20" in this space.

*** If the highest number of independent claims previously paid for is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

3. ☐ The Commissioner is hereby petitioned under 37 CFR §1.136(a) to grant any extension of time needed for timely response to the Office Action dated in the above-identified application to preserve pendency of said application. The processing fee under 37 CFR §1.17 has been determined as follows: \$ for a -month extension of time.
4. The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 16-2480.
- a. ☒ Any patent application processing fees under 37 CFR §1.16.
 b. ☒ Any patent application processing fees under 37 CFR §1.17.
5. The Director is hereby authorized to make any additional copies of this sheet needed to accomplish the purposes provided for herein and to charge any fee for such copies to Deposit Account No. 16-2480.

THE PROCTER & GAMBLE COMPANY

By

Dara M. Kendall

Registration No. 43,709

(513) 634-1787

Date: February 6, 2006

Customer No. 27752

(Transamd.doc) Revised 8/3/2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/674,670
Inventor(s) : Ludwig Busam, et al.
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RESPONSE TO RESTRICTION REQUIREMENT UNDER §1.121

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is responsive to the Restriction Requirement dated January 6, 2006, setting a 1 month period for reply.

The Office states that the present application contains two inventions under 35 USC §121:

I. Claims 1-11, drawn to an absorbent article comprising a nonwoven fabric, classified in class 604, subclass 367; and

II. Claims 12-20, drawn to a process for treating fibers, classified in class 522, subclass 6.

The Office reasons that Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process. Here, the Office asserts that the article may be made by a different process, such as within a physical mixture or aqueous dispersion.

Applicant provisionally elects with traversal Invention I, including Claims 1-10. Applicant respectfully submits, however, that the "Inventions" as noted by the Office are not patentably distinct because the process of claims 12-20 cannot be used to make a materially different absorbent article product that contains the same claimed nonwoven. The Office offers

Appl. No. 10/674,670
Atty. Docket No. CM2701Q
Amdt. dated February 6, 2006
Reply to Office Action of January 6, 2006
Customer No. 27752

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two "different" processes but they are theoretically covered by the process as claimed as it makes reference to a physical mixing of fibers in a solution. In order to advance prosecution, Applicant reiterates its provisional election of Claims 1-10 with traversal.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By 

Dara M. Kendall
Registration No. 43,709
(513) 634-1787

Date: February 6, 2006
Customer No. 27752
(Response to Restriction Requirement 020606.doc)